

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
_____ DIVISION

GABRIEL MICHAEL JANSON,)	
)	
Plaintiff,)	
)	
)	
v.)	CASE NO.1:24-cv-163
)	
)	
CSX TRANSPORTATION, INC.,)	
)	
Defendant.)	

NOTICE OF REMOVAL

TO: Judges in the United States District Court,
Middle District of North Carolina, _____ Division.

Defendant CSX Transportation, Inc. (“CSXT”) hereby files this Notice of Removal and in support thereof shows the Court as follows:

1. On January 3, 2024, Plaintiff Gabriel Michael Janson (“Plaintiff”) filed this action against CSXT in the Superior Court Division of Randolph County, North Carolina, entitled Gabriel Michael Janson v. CSX Transportation, Inc., case no. 24-CVS-021. A true and accurate copy of Plaintiff’s Complaint is attached hereto as Exhibit “A.” The Complaint was served on CSXT by and through CSXT’s corporate agent, CT Corporation System, on January 31, 2024. (Exhibit “A”)

2. Thus, pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely because it is filed within thirty (30) days of receipt of a copy of the initial pleading setting

forth the claim for relief upon which the action or proceeding is based. There have been no further filings or proceedings in this action.

4. Upon information and belief, and as alleged in the Complaint, at the time of the commencement of this action in state court and at the time of the filing of this Notice of Removal, Plaintiff was and is a citizen and resident of Randolph County, North Carolina. (*Id.* at ¶ 5)

5. At the time of the commencement of this action in state court and at the time of the filing of this Notice of Removal, CSXT was and is a corporation organized and existing under the laws of the Commonwealth of Virginia with its principal place of business in the State of Florida. (*Id.* at ¶ 6)

6. Plaintiff alleges that, at approximately 10:00 p.m., on November 30, 2022, he drove his vehicle onto a highway-rail grade crossing that was under repair. (*Id.* at ¶ 24) Plaintiff further alleges that his vehicle dropped into an hole on or near the crossing, causing it to come to an abrupt stop, leading to property damage and personal injury. (*Id.* at ¶¶ 24 and 26)

7. Specifically, Plaintiff claims that the accident resulted in property damage and a concussion and arm fracture. Plaintiff claims his injuries lead to physical pain and mental suffering, permanent impairment, past and future medical expenses, and lost wages. (*Id.* at ¶¶ 26, 31, and 34)

8. Plaintiff prayed that he “have and recover against the defendant actual

damages in an amount to be determined, but in any event in excess of \$25,000.00.” (*Id.* at Prayer No. 1; *see also* at ¶ 35)

9. This Court has original jurisdiction under 28 U.S.C. § 1332. Thus, this action is one which may be removed to this Court by Defendant pursuant to 28 U.S.C. §§ 1441 and 1446.

10. First, this is a civil action between citizens of different states. (*Id.* at ¶¶ 5 and 6)

11. Second, this is a civil action in which, upon information and belief, the amount in controversy exceeds seventy-five thousand dollars (\$75,000.00) exclusive of interest and costs. Plaintiff has pled that this injury caused him to suffer serious, permanent injuries, as well as property damage, medical expenses, and lost wages. (*Id.* at ¶¶ 26, 31, and 34) Further, Plaintiff has not demanded a specific amount in his Complaint, as required by Rule 8(a)(2) of the North Carolina Rules of Civil Procedure. (*Id.* at Prayer No. 1; *see also* at ¶ 35) Accordingly, this Notice of Removal may assert the amount in controversy. *See* 28 U.S.C. ¶ 1446 (c)(2)(A) and (B) (“the notice of removal may assert the amount in controversy if the initial pleading seeks a money judgment, but the State practice . . . does not permit demand for a specific sum”).

10. In accord with 28 U.S.C. ¶ 1446(d), Defendant has served notice of this removal on Plaintiff and on the Clerk of the Court of Randolph County, North Carolina, a copy of which is attached hereto as Exhibit “B.”

WHEREFORE, defendant CSX Transportation, Inc. hereby removes the above referenced action now pending against it in the Randolph County Superior Court, North Carolina, to this Court.

Respectfully submitted this the 29th day of February, 2024.

BY: /s/Andrew B. Spradlin
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CERTIFICATE OF SERVICE

It is hereby certified that on this date the foregoing was electronically filed on the CM/ECF system and was duly served upon all parties of record to this cause by electronic notification to the CM/ECF participating attorneys and by mailing a copy to any party's attorney of record not yet participating in the CM/ECF system, in accordance with the provisions of Rule 5 of the Federal Rules of Civil Procedure.

This the 29th day of February, 2024.

BY: /s/Andrew B. Spradlin
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